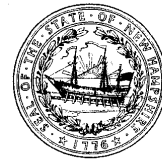




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

John Goggin
Post Office Box 308
Wolfeboro, NH 03894-0308

Re: Septic System Construction Approval
#CA2006081660 for property at
7 Valley Road, Tuftonboro, NH

**NOTICE OF PROPOSED
LICENSE ACTION
No. 06-004**

August 21, 2006

I. INTRODUCTION

This Notice of Proposed License Action is issued by the Department of Environmental Services, Water Division to John Goggin, pursuant to RSA 541-A:30 and RSA 485-A:29, I, and Env-Ws 1004.19. The Water Division is proposing that the Department of Environmental Services revoke septic system construction approval permit #CA2006081660 dated June 28, 2006, held by John Goggin, based on the violations alleged below. **This notice contains important procedural information. Please read the entire notice carefully.**

II. PARTIES

1. The Department of Environmental Services, Water Division ("the Division") is a duly-constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, Concord, New Hampshire.
2. John Goggin is an individual having a mailing address of P.O. Box 308, Wolfeboro, NH 03894-0308.

III. SUMMARY OF FACTS AND LAW SUPPORTING PROPOSED ACTION

1. RSA 485-A:29-44 authorizes the Department of Environmental Services ("DES") to regulate the subdivision of land and the construction, maintenance, and repair/replacement of individual sewage disposal systems ("septic systems"). Pursuant to rulemaking authority conferred therein, the Commissioner of DES has adopted Env-Ws 1000 to implement this program.
2. DES issued septic system construction approval permit# CA2006081660 dated June 28, 2006 ("the Permit") to John Goggin, to allow construction of an individual wastewater treatment system on property located at 7 Valley Road in Tuftonboro, New Hampshire; more specifically described on Tuftonboro Tax Map 70-2 as Lot 82 ("the Property").
3. Env-Ws 1004.19(a) requires that permits issued by DES shall be issued based on the presumption that the information submitted as part of the application is true, complete and not misleading.

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Telephone: (603) 271-3503 • Fax: (603) 271-2867 • TDD Access: Relay NH 1-800-735-2964
DES Web site: www.des.nh.gov

4. Env-Ws 1004.19(b) authorizes DES to hold a hearing to determine whether a permit issued by DES should be suspended or revoked when DES discovers that a permit has been issued based on false or misleading information.
5. The Permit was issued to John Goggin to authorize the construction of an individual septic system on the Property. The information submitted to DES for the approval of the Permit included the location of a private water well on the Property and a request for a waiver of the distance required between the private well and the individual septic system, pursuant to Env-Ws 1008.04. (See Table 1008-2)
6. The application for approval of the Permit referenced Subdivision Approval #1187, issued by the Water Supply and Pollution Control Commission in 1970. That subdivision approval, granted for lots located in the Hidden Valley subdivision in Tuftonboro, included a requirement that all properties included in the subdivision be served by a community water supply, and not by private water wells.
7. No mention was made in the application for approval of the Permit of the limiting condition contained in the 1970 subdivision approval that includes the Property.

IV. VIOLATIONS ALLEGED

1. John Goggin has violated Env-Ws 1004.19(a) by obtaining a septic system construction approval by way of an application that included incomplete, untrue or misleading information.

V. PROPOSED ACTION

1. Based on the violations identified in Paragraph "IV," above, the Division proposes that DES revoke the Permit.

VI. HEARING, RESPONSE, PROPOSED SETTLEMENT

John Goggin has the right to a hearing to contest these allegations before the proposed license action is taken. The hearing would be a formal adjudicative proceeding pursuant to RSA 541-A:31, at which John Goggin and any witnesses John Goggin may call would have the opportunity to present testimony and evidence as to why the proposed action should not be taken. All testimony at the hearing would be under oath and would be subject to cross examination. If John Goggin wishes to have a hearing, one will be scheduled promptly.

RSA 541-A:31, III(e) provides that John Goggin has the right to have an attorney present to represent John Goggin at John Goggin's expense. If the Permit is an occupational license, under RSA 541-A:31, III(f) John Goggin has the right to request DES to provide a certified shorthand court reporter at John Goggin's expense. **Such request must be submitted in writing at least 10 days prior to the proceeding.**

John Goggin may waive his right to a hearing. If John Goggin waives the hearing, the Division will initiate the revocation of the Permit. John Goggin should notify the Division of his decision by filling out and returning the enclosed form by September 26, 2006.

Anyone having questions regarding this matter should contact Richard J. de Seve, Compliance Supervisor, at 271-3442.

COPY

Harry T. Stewart, P.E., Director
DES Water Division

Certified Mail #7099 3400 0002 9772 9714

Enclosures

cc: Board of Selectmen, Town of Tuftonboro
Gretchen Hamel, DES Legal Unit Administrator
William E. Evans, P.E., Administrator, DES/SSB
Richard J. de Seve, Compliance Supervisor, DES/SSB
P. Cooperdock, Fernstone Associates, 32 Essex Street, Concord, NH 03301

RETURN THIS PAGE BY SEPTEMBER 26, 2006

APPEARANCE

____ I desire a hearing in accordance with Env-C 200 regarding the Permit.

Name: _____
(Please type or print legibly)

Title: _____
(Please type or print legibly)

Signature

Date: _____

WAIVER OF HEARING

____ I certify that I understand my right to a hearing regarding the revocation of the Permit and that I hereby waive(s) those rights. I understand that DES will revoke my septic system construction approval, Permit #CA2006081660, and I consent to that action.

Name: _____
(Please type or print legibly)

Title: _____
(Please type or print legibly)

Signature

Date: _____

Please return to: DES Legal Unit
Attn: Michael Sclafani
P.O. Box 95
Concord, NH 03302-0095